



EXPRESS MAIL: EL615430127US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jonathan W. NYCE

Application No. 10/072,010

Filed: October 25, 2001

For: **COMPOSITION, FORMULATIONS
AND METHOD FOR PREVENTION
AND TREATMENT OF DISEASES
AND CONDITIONS ASSOCIATED
WITH BRONCHOCONSTRICTION,
ALLERGY(IES) AND
INFLAMMATION**

Art Unit: 1635

Examiner: Jiang, Shaojia A.

Confirmation No.: 5176

Attorney Docket No.: EPI-00312
(02486.0017.DVUS06)

**Notice of Appeal From the Examiner to the Board
of Patent Appeals and Interferences - Small Entity**

Mail Stop After Final
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated **April 23, 2003** that resulted in Applicant having claims that have been twice or finally rejected.

The fee (for a qualified small entity) for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included in our Check No. 6272. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

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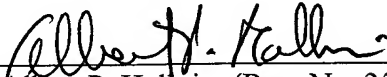
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number EPI-00312 (02486.0017.DVUS06). A duplicate copy of this Notice is attached.

Respectfully submitted,

Date: September 23, 2003


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